

MEMO ENDORSED
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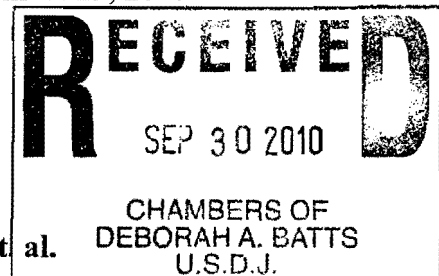
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September 29, 2010

VIA FEDEX

Honorable Deborah A. Batts
 United States District Court
 500 Pearl Street, Room 2510
 New York, NY 10007

Re: **Alonso et. al v. Uncle Jack's Steakhouse, Inc., et al.**
S.D.N.Y. Case No. 08-CV-7813 (DAB)



Dear Judge Batts:

We represent Defendants in the above captioned matter. We write to request that a pre-motion conference be held pursuant to Local Civil Rule 37.2 relating to an impending motion to compel production.

We have served and requested that Plaintiffs and all Opt-in Plaintiffs provide unique responses to Interrogatories and Document Demands. Plaintiffs' counsel has informed us of his position that such production is not required. We believe that under the prevalent caselaw we are entitled to such production. See e.g., Krueger v. New York Tel. Co., 163 F.R.D. 446, 451 (S.D.N.Y. 1995) (granting individual discovery of 162 class members).

Additionally, we would ask that all such responses be substantively completed by the Opt-in Plaintiffs as a number of the current responses are rote or blanket responses which are not truly responsive. Examples of this are the responses to a request for witness information. The responses indicated that every employee was a witness, without providing specific information about which witnesses that Plaintiff had personal knowledge.

Finally, Plaintiffs have consistently objected to discovery of any information or documents relating to Plaintiffs' tax returns. These we believe would be extremely useful in determining whether Plaintiffs maintained records of the cash tips which were not part of their paychecks from Defendants. This would also support several arguments for Defendants' decertification motion. As such, we would ask that these objections be ruled on by the Court.

MEMO ENDORSED

Deborah A. Batts
 DEBORAH A. BATTS
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK
 ACT JUDGE

denied
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 10/8/10

denied
 DAB
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denied
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